

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

August 14, 2023

Mr. David Smith
U.S. District Court
Southern District of Texas
515 Rusk Street
Room 8016
Houston, TX 77002

United States Courts
Southern District of Texas
FILED

August 14, 2023

Nathan Ochsner, Clerk of Court

No. 23-20163 USA v. Swiencinski
USDC No. 4:18-CR-368-1

Dear Mr. Smith,

We have not received your acknowledgment of the enclosed purchase order for the transcript in this case. We assume the appellant has made the necessary financial arrangements for preparing the transcript. You have 30 days from the date we received the purchase order to file the transcript with the district court clerk. We will adjust this time only in the event financial arrangements are not complete.

If you do not file the transcript within the 30 day period, we will invoke a 10% discount. **If you require additional time to file the transcript, you must file a motion setting out the reasons for the extension before the discount date expires. A request for extension to file the transcript does not waive the mandatory fee reduction. You must separately request and justify your need to obtain a fee reduction waiver.**

Sincerely,

LYLE W. CAYCE, Clerk

Christina Rachal

By: _____
Christina C. Rachal, Deputy Clerk
504-310-7651

Enclosure(s)

cc:

Mr. Brandon Nelson McCarthy
Ms. Carmen Castillo Mitchell
Mr. Nathan Ochsner
Mr. Jeremy Raymond Sanders
Mr. Robert Thomas Smith
Mr. Michael A. Villa Jr.

~~Case 23-20163 Document 00516895997 Page 1 Date Filed 08/24/2023~~
TRANSCRIPT ORDER FORM (DRT-18) READ INSTRUCTIONS ON LAST PAGE BEFORE COMPLETING

District Court Southern District of Texas (Houston Division) District Court Docket No. 4:18-cr-368-1

Short Case Title USA v. Swiencinski

ONLY ONE COURT REPORTER PER FORM Court Reporter David Smith

Date Notice of Appeal Filed in the District Court 7/7/23 (Amended Notice of Appeal) Court of Appeals No. 23-20163

PART I. (To be completed by party ordering transcript. Do not complete this form unless financial arrangements have been made, see instructions on page 2.)**A. Complete the Following:**☐ No hearings ☐ Transcript is unnecessary for appeal purposes ☐ Transcript is already on file in the Clerk's Office
OR**Check all of the following that apply, include date of the proceeding.**This is to order a transcript of the following proceedings: ☐ Bail Hearing ☐ Voir Dire☒ Opening Statement of Plaintiff USA - 11/10/22 ☒ Opening Statement of Defendant All Defendants - 11/10/22☐ Closing Argument of Plaintiff ☐ Closing Argument of Defendant:☐ Opinion of court ☐ Jury Instructions ☐ Sentencing

Other proceedings not listed above:

| Hearing Date(s) | Proceeding | Judge/Magistrate |
|--------------------|----------------------------------------------------------------------------------------------------------------|------------------------|
| 11/8/22 - 12/13/22 | Jury Trial, excluding Voir Dire (but including non-voir-dire discussions held intermittently during voir dire) | Hon. Alfred H. Bennett |
| 11/3/22 | Pretrial Conference | Hon. Alfred H. Bennett |
| | | |
| | | |

Failure to specify in adequate detail those proceedings to be transcribed, or failure to make prompt satisfactory financial arrangements for transcript, are grounds for DISMISSAL OF APPEAL.**B. This is to certify satisfactory financial arrangements have been made. Method of Payment:**☒ Private Funds; ☐ Criminal Justice Act Funds (Enter Authorization-24 via eVoucher);☐ Other IFP Funds; ☐ Advance Payment Waived by Reporter; ☐ U.S. Government Funds☐ Other

Signature /s/Mary C. Fleming Date Transcript Ordered 7/21/23

Print Name Mary C. Fleming Phone (407) 267-3086

Counsel for Defendant Brian Swiencinski

Address 1919 Pennsylvania Ave NW - Suite 800, Washington, D.C. 20006

Email of Attorney: mary.fleming@katten.com

PART II. COURT REPORTER ACKNOWLEDGMENT (To be completed by the court reporter and filed with the Court of Appeals within 10 days after receipt. Read instructions on page 2 before completing.)

| Date Transcript Order Received | Date Satisfactory Arrangements for Payment were Made | Estimated Completion Date | Estimated Number of Pages |
|--------------------------------|------------------------------------------------------|---------------------------|---------------------------|
| | | | |

Payment arrangements have NOT been made or are incomplete.

Reason: ☐ Deposit not received ☐ Unable to contact ordering party ☐ Awaiting creation of CJA 24 eVoucher☐ Other (Specify)

Date Signature of Reporter Tel.

Email of Reporter

Part III. NOTIFICATION THAT TRANSCRIPT HAS BEEN FILED IN THE DISTRICT COURT (To be completed by court reporter on date of filing transcript in the District Court. This completed form is to be-filed with the Court of Appeals.)

This is to certify that the transcript has been completed and filed at the District Court today.

Actual Number of Pages Actual Number of Volumes

Date Signature of Reporter